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Attorney for Defendant,  
ERICKA CHAVEZ

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERICKA CHAVEZ,

Defendant.

**No. CR 06-00607 DLJ**

**STIPULATION TO VACATE PRETRIAL  
AND TRIAL DATES; TO SET STATUS  
CONFERENCE AND TO EXCLUDE TIME;  
[PROPOSED] ORDER**

The defendant, through her counsel of record and plaintiff, through its counsel of record, hereby stipulate that the pretrial conference in the above-entitled matter, presently set for November 2, 2007 and the trial date presently set for November 5, 2007 may be vacated and that a further status conference and possible change of plea be set for November 16, 2007 at 9:00 a.m.

This stipulation is entered into at the request of counsel for the defendant who is presently engaged in trial in the United States District Court for the Northern District, San Jose Division. Counsel will be so engaged on the date presently set for trial in the Chavez matter. Further, counsel believes that the Chavez matter may resolve prior to trial, however, due to defense counsel's engagement in trial, additional time is needed for Ms. Chavez and her counsel to meet and confer re: disposition.

The parties further stipulate that the time from November 5, 2007 to November 16, 2007 is excludable under the Speedy Trial Act (18 USC § 3161 et seq) and in particular, sections 18 USC §§ 3161(h)(8)(B)(i) and 3161 (h)(8)(B)(iv) to allow for adequate preparation and continuity of counsel and further that the ends of justice outweigh the public's interest in a speedy trial.

It is so stipulated.  
Dated: October 31, 2007

/s/ Scott S. Furstman

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SCOTT S. FURSTMAN  
Attorney for Defendant,  
Ericka Chavez

Dated: October 31, 2007

/s/ Kimberly Briggs


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KIMBERLY M. BRIGGS  
Assistant U.S. Attorney  
per telephonic authority

**ORDER**

Good cause appearing and the parties having stipulated thereto, it is ordered that the pretrial conference and trial dates in the above-entitled matter are vacated and a further status conference / change of plea be set for November 16, 2007 at 9:00 a.m. It is further ordered that the time between November 2, 2007 and November 16, 2007 is excludable under 18 USC §§ 3161 (h)(8)(B)(i) and (iv) to allow for adequate preparation and continuity of counsel and that the ends of justice outweigh the public's interest in a speedy trial.

Dated: October 31, 2007




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D. LOWELL JENSEN  
United States District Judge

**PROOF OF SERVICE**  
**[C.C.P. 1013(a)]**

I, the undersigned, declare:

I am a citizen of the United States and a resident of the County of Santa Clara. I am over the age of eighteen (18) years and not a party to the within entitled action. My business address is: 510 North Third Street, San Jose, CA 95112. On October 31, 2007, I served a copy of the document(s) described below:

( X ) [BY MAIL] By depositing such copy(ies) in a sealed envelope, First Class postage fully prepaid, in a facility regularly maintained by the United States Postal Service for collection and mailing.

( ) [BY OVERNIGHT DELIVERY] By consigning such copy in a sealed envelope to an overnight courier for next business day delivery.

( ) [BY HAND DELIVERY] By consigning such copy in a sealed envelope to a messenger for guaranteed hand delivery.

( X ) [BY FACSIMILE TRANSMISSION] By consigning such copy to a facsimile operator for transmittal.

**STIPULATION AND**  
**[PROPOSED ORDER]**

in the manner identified above on those persons listed below:

**Kimberly M. Briggs**  
**Assistant U.S. Attorney**  
**1301 Clay Street, Suite 340S**  
**Oakland, CA 94612**

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 2007 at San Jose, California.

/s/ Scott S. Furstman

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Scott S. Furstman